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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,137	05/31/2006	Ralf Knischka	CO/2-22993/A/PCT	1985
324 Ciba Corporatio	7590 01/13/201 <b>on</b>	EXAMINER		
Patent Departme	ent	NGUYEN, VU ANH		
540 White Plain P.O. Box 2005	is Koad	ART UNIT	PAPER NUMBER	
Tarrytown, NY	10591	1796		
			NOTIFICATION DATE	DELIVERY MODE
			01/13/2010	ELECTRONIC

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

andrea.dececchis@basf.com deborah.pinori@basf.com sonny.nkansa@basf.com

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/581,137	KNISCHKA ET AL.	
Fugueline i	A ( 11 14	
Examiner	Art Unit	

The MAIL/MD DATE of this communication appears on the cover shed with the correspondence address THE REPLY PELD <u>04_January 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandament of this application, applicant must timely life use of the following replicas: (1) an amendment, difficult, or 20th revisions, which places the replication, applicant must timely life use of the following replicas: (1) an amendment, difficult, or 20th revisions, which places the replication applicant must timely life use of the following time periods:    The period for reply express		Vu Nguyen	1796	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must itemly file one of the following replies: (1) an amendment, affidiaty, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  □ The period for reply expires	The MAILING DATE of this communication appea	rs on the cover sheet with the	correspondence addi	ress
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file one of the following replies: (1) an amendment, affidaty, or other evidency, their packs the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) ☐ The period for reply expires	THE REPLY FILED <u>04 January 2010</u> FAILS TO PLACE THIS AF	PPLICATION IN CONDITION FO	R ALLOWANCE.	
a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the Advisory Action or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Exement Note: If box is checked, chock either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RELECTION. See MFEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.13(a). The date on which the petition under 37 CFR 1.13(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any amend patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on	1.  The reply was filed after a final rejection, but prior to or on the application, applicant must timely file one of the following reapplication in condition for allowance; (2) a Notice of Appear for Continued Examination (RCE) in compliance with 37 CF	he same day as filing a Notice of eplies: (1) an amendment, affidav al (with appeal fee) in compliance	Appeal. To avoid aban rit, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appriopriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s):	a) The period for reply expiresmonths from the mailing of this Adno event, however, will the statutory period for reply expire late Examiner Note: If box 1 is checked, check either box (a) or (b)	visory Action, or (2) the date set forther than SIX MONTHS from the mailing ONLY CHECK BOX (b) WHEN TH	ng date of the final rejectio	n.
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They arise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5.  Applicant's reply has overcome the following rejection(s):  6.  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7.  For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because the affidavit or other evidence failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of fi	have been filed is the date for purposes of determining the period of exte under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the sh set forth in (b) above, if checked. Any reply received by the Office later the may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	nsion and the corresponding amount ortened statutory period for reply orig	of the fee. The appropria inally set in the final Office	te extension fee e action; or (2) as
(a)	filing the Notice of Appeal (37 CFR 41.37(a)), or any extens Notice of Appeal has been filed, any reply must be filed with	sion thereof (37 CFR 41.37(e)), to	o avoid dismissal of the	
NOTE: (See 37 CFR 1.116 and 41.33(a)). 4.	3. The proposed amendment(s) filed after a final rejection, but  (a) They raise new issues that would require further cons  (b) They raise the issue of new matter (see NOTE below  (c) They are not deemed to place the application in better appeal; and/or	sideration and/or search (see NO r); er form for appeal by materially re	TE below); educing or simplifying th	
7. For purposes of appeal, the proposed amendment(s): a)   will not be entered, or b)   will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8.	NOTE: (See 37 CFR 1.116 and 41.33(a)).  4.  The amendments are not in compliance with 37 CFR 1.12′  5.  Applicant's reply has overcome the following rejection(s): _  6.  Newly proposed or amended claim(s) would be allo	See attached Notice of Non-Co	ompliant Amendment (F	
<ul> <li>8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</li> <li>9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</li> <li>REQUEST FOR RECONSIDERATION/OTHER</li> <li>11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.</li> <li>12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)</li></ul>	7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is provided the status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected:		ill be entered and an ex	xplanation of
because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  13. Other:  // David Wu/				
entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)  13. Other:  //David Wu/  //U Nguyen/	because applicant failed to provide a showing of good and			
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/David Wu/ /Vu Nguyen/	See Continuation Sheet.		n condition for allowand	ce because:
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Continuation of 11. does NOT place the application in condition for allowance because: of the new-issues reasons above and of the reasons set forth in the Office action dated 11/04/2009.